

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD AGEE, JR., an individual;  
JEROME BENNETT, an individual;  
DENNIS LEORY BLACK, JR., an individual;  
JAMEE BURBRIDGE, an individual;  
BEVERLY ANN BURRELL, an individual;  
JEMELL COTTON, an individual; TERESA  
DUBOSE, an individual; KAREN  
FERGUSON, an individual; MICHELLE  
KEEBLE, an individual; NORMA  
McDANIEL, an individual; GLENDA  
McDONALD, an individual; JANET MARIE  
OVERALL, an individual; SHIRLEY L.  
RADDEN, an individual; DAVONTE  
SHERARD, an individual; MICHELLE T.  
SMITH, an individual; KENYETTA SNAPP,  
an individual; DONYALE STEPHEN-  
ATARA, an individual; and TANESHA  
WILSON, an individual,

Plaintiffs,

v

JOCELYN BENSON, in her official capacity  
as Secretary of State of Michigan;  
MICHIGAN INDEPENDENT  
REDISTRICTING COMMISSION;  
DOUGLAS CLARK, JUANITA CURRY,  
ANTHONY EID, RHONDA LANGE,  
STEVEN TERRY LETT, BRITTNI  
KELLOM, CYNTHIA ORTON, M.C.  
ROTHHORN, REBECCA SZETELA,  
JANICE VALLETTE, ERIN WAGNER,  
RICHARD WEISS and DUSTIN WITJES, in  
their official capacities as Commissioners of  
the Michigan Independent Citizens  
Redistricting Commission,

Defendants.

No. 1:22-cv-00272

THREE-JUDGE PANEL  
APPOINTED PURSUANT TO 28  
U.S.C. § 2284(a)

**DEFENDANT SECRETARY OF  
STATE JOCELYN BENSON'S  
MOTION TO DISMISS**

John J. Bursch (P57679)  
Attorney for Plaintiffs  
9339 Cherry Valley Ave, SE, #78  
Caledonia, Michigan 49316  
616.450.4235  
[jbursch@burschlaw.com](mailto:jbursch@burschlaw.com)

Nabih H. Ayad (P59518)  
Co-Counsel for Pls Agee & Sherard  
645 Griswold St, Ste 2202  
Detroit, Michigan 48226  
313.983.4600  
[nabihayad@ayadlawpllc.com](mailto:nabihayad@ayadlawpllc.com)

Michael J. Pattwell (P72419)  
James J. Fleming (P84490)  
Attorneys for Plaintiffs  
212 East Cesar E. Chavez Ave  
Lansing, Michigan 48906  
517.318.3100  
[mpattwell@clarkhill.com](mailto:mpattwell@clarkhill.com)  
[jfleming@clarkhill.com](mailto:jfleming@clarkhill.com)

Heather S. Meingast (P55439)  
Erik A. Grill (P64713)  
Assistant Attorneys General  
Attorneys for Defendant Benson  
P.O. Box 30736  
Lansing, Michigan 48909  
517.335.7659  
[meingasth@michigan.gov](mailto:meingasth@michigan.gov)  
[grille@michigan.gov](mailto:grille@michigan.gov)

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**DEFENDANT SECRETARY OF STATE JOCELYN BENSON'S  
MOTION TO DISMISS**

Defendant Secretary of State Jocelyn Benson moves for dismissal of Plaintiffs' amended complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (6) for the reasons set forth fully in the accompanying brief. Plaintiffs' amended complaint fails to state a claim for relief against the Secretary of State under the Fourteenth Amendment because Plaintiffs have insufficiently alleged a connection between the Secretary and the unlawful conduct of which the Plaintiffs complain. Likewise, Plaintiffs have failed to state a claim for relief against the Secretary under Section 2 of the Voting Rights Act because Plaintiffs lack standing to bring these claims against the Secretary of State.

On June 14, 2022, the undersigned counsel contacted Plaintiffs and the Commission Defendants seeking concurrence with this motion. Plaintiffs' counsel

responded that they did not concur in the motion. The undersigned counsel has not heard back from the Commission Defendants with respect to the request for concurrence.

Respectfully submitted,

s/Heather S. Meingast  
Heather S. Meingast (P55439)  
Erik A. Grill (P64713)  
Assistant Attorneys General  
Attorneys for Defendant  
P.O. Box 30736  
Lansing, Michigan 48909  
517.335.7659  
Email: [meingasth@michigan.gov](mailto:meingasth@michigan.gov)  
P55439

Dated: June 14, 2022

**CERTIFICATE OF SERVICE**

I certify that on June 14, 2022, I caused the foregoing document to be electronically filed with the Clerk of the court using the ECF system which will provide electronic copies to counsel of record.

s/Heather S. Meingast  
Heather S. Meingast (P55439)  
Assistant Attorney General  
Attorney for Defendant  
P.O. Box 30736  
Lansing, Michigan 48909  
517.335.7659  
Email: [meingasth@michigan.gov](mailto:meingasth@michigan.gov)  
P55439

Dated: June 14, 2022